IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

EHIERARCHY, LLC	)
	)
Plaintiff,	)
	) Civil Action No. 2:17-cv-225
v.	)
	) **JURY TRIAL DEMANDED**
BLACKBERRY CORPORATION	)
	)
Defendant.	)
	)

COMPLAINT

For its Complaint, Plaintiff eHierarchy, LLC ("eHierarchy"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1.   eHierarchy is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 400, Plano, Texas 75093.

2.   Defendant Blackberry Corporation is a Delaware company with, upon information and belief, a place of business located at 6700 Koll Center Parkway, 2nd Floor, Pleasonton, California 94566.

3.   Upon information and belief, Defendant has registered with the Texas Secretary of State to conduct business in Texas.

JURISDICTION AND VENUE

4.   This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

5.   Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

6.   Upon information and belief, Defendant conducts substantial business in this

forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

7.   Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENTS-IN-SUIT

8.   On October 2, 2012, U.S. Patent No. 8,280,932 (the "'932 patent"), entitled "Computer System For Automatic Organization, Indexing and Viewing of Information From Multiple Sources," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '063 patent is attached hereto as Exhibit A.

9.   On November 23, 2010, U.S. Patent No. 7,840,619 (the "'619 patent"), entitled "Computer System For Automatic Organization, Indexing and Viewing of Information From Multiple Sources," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '063 patent is attached hereto as Exhibit B.

10.   eHierarchy is the assignee and owner of the right, title and interest in and to the '932 and '619 patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.
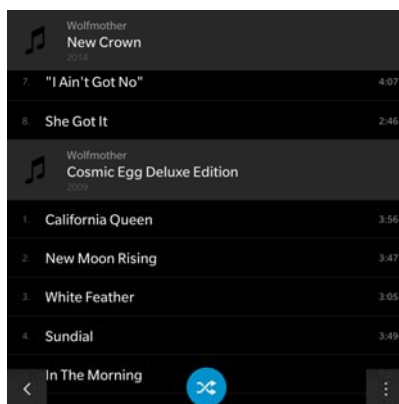
COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,280,932

11.   eHierarchy repeats and realleges the allegations of paragraphs 1 through 10 as if fully set forth herein.
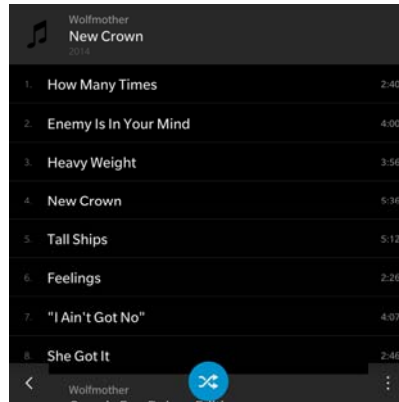
12.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 1 of the '932 patent by making, using, importing, offering

for sale, and/or selling computer data processing systems, including, but not limited to, Blackberry Passport.
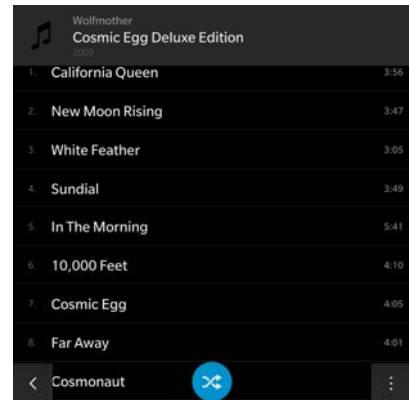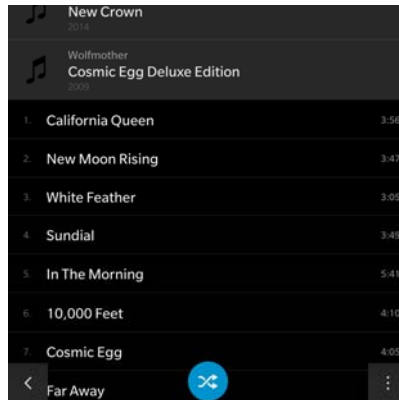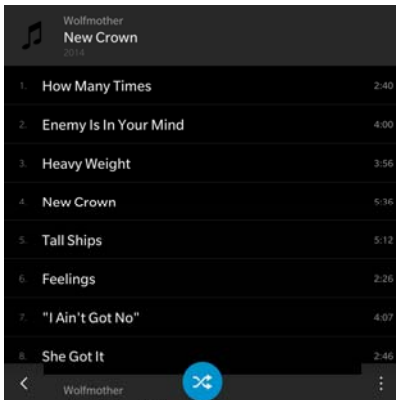
13.   More specifically and upon information and belief, Defendant's Blackberry Passport is a computer data processing system that includes a computer readable memory, a display and an application program.   *See* http://us.blackberry.com/smartphones/blackberry-passport/specifications.html (last accessed Mar. 22, 2017). The BlackBerry Passport has 32GB of internal storage. *See id.* The computer-readable memory of the BlackBerry Passport is configured to store informational objects organized in a hierarchy.
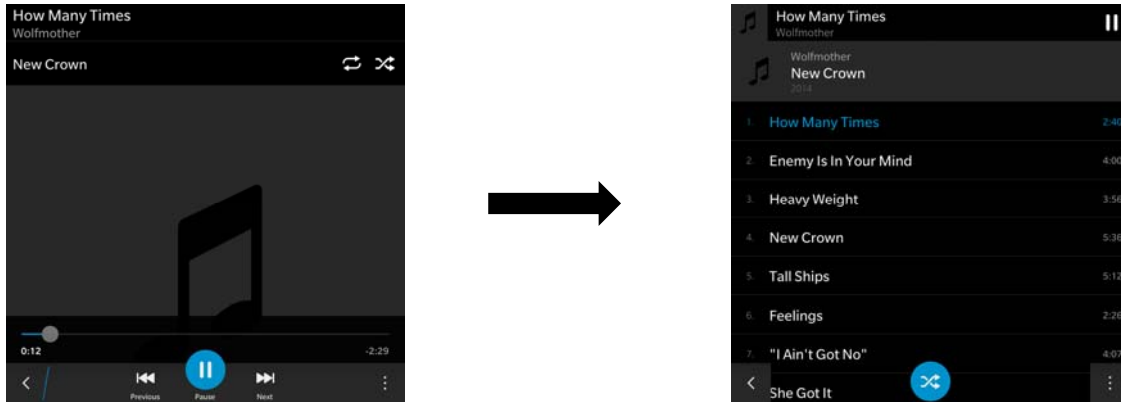

As seen above, the Blackberry Music App is operable to access the computer-readable memory and display the hierarchical relationship (e.g., sorted chronologically) of the informational objects (e.g., Album and Song Titles). BlackBerry Passport comprises a display configured to display information of at least a portion of the hierarchy of informational objects. As seen below, the Blackberry Passport displays several data fields relating to the objects stored in the hierarchy including the song titles and duration:

Blackberry Music is an applications program operable to render visible-information of one of the informational objects (e.g., the Artist Name, Album Name and Year) with dynamic updating. As shown below, BlackBerry Music displays the name of each album (e.g., "New Crown" and "Cosmic Egg") in a sticky path portion of the display. The sticky path portion of the display updates as a user scrolls through contacts.

BlackBerry Music is further operable to expand and collapse the hierarchical information. Clicking on a song title expands that song's information in a player information window; clicking the "back" icon collapses the player information window and returns to the hierarchical display.

14.   eHierarchy is entitled to recover from Defendant the damages sustained by eHierarchy as a result of Defendant's infringement of the '932 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.
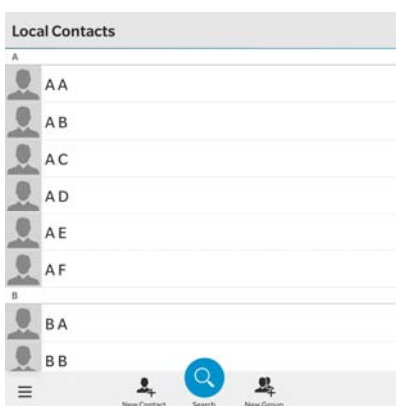
COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,840,619

15.   eHierarchy repeats and realleges the allegations of paragraphs 1 through 14 as if fully set forth herein.
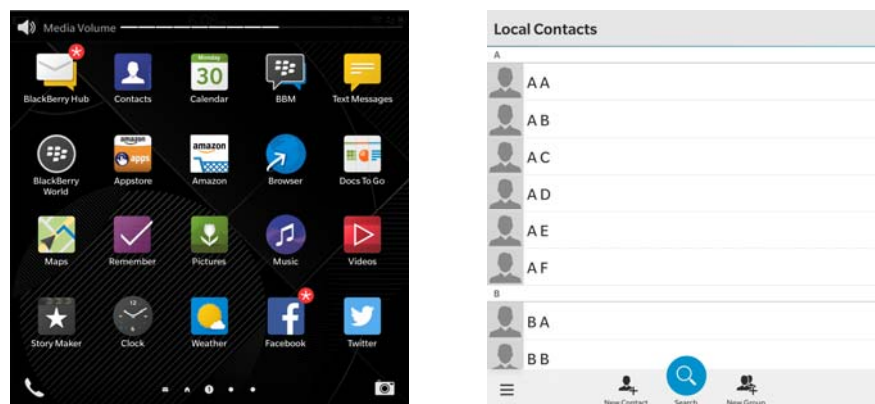
16.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 1 of the '619 patent by making, using, importing, offering for sale, and/or selling computer data processing systems having a central processing unit configured with an integrated computer control software system for the management of informational objects relating to multiple levels of objects organized in at least one of an expandable hierarchy structure and a group structure which include said objects, multiple branches, groups, and/or levels of said objects and their container relationships, and names, identifiers or location paths of said objects within said structure, including, but not limited to, Blackberry Passport.

17.   More specifically and upon information and belief, Defendant's Blackberry Passport is a computer data processing system which has a central processing unit configured with
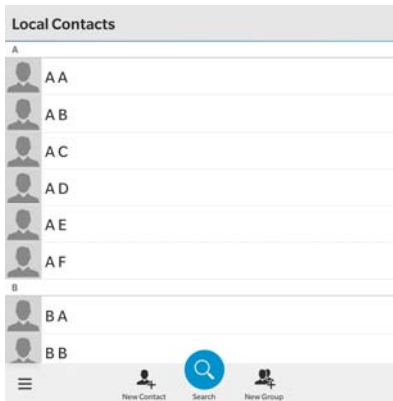
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an integrated computer control software system (BlackBerry 10 OS and BlackBerry Contacts) for the management of informational objects (e.g. contact information) relating to multiple levels of objects organized in a group structure which includes multiple levels of said objects and their names and identifiers within said structure. The BlackBerry Passport includes a computer readable memory (e.g., 32GB Internal Storage) including a storage structure for storing information relating to objects including object names and identifiers (e.g., BlackBerry "Contacts" App).   *See* http://us.blackberry.com/smartphones/blackberry-passport/specifications.html (last accessed Mar. 22, 2017).
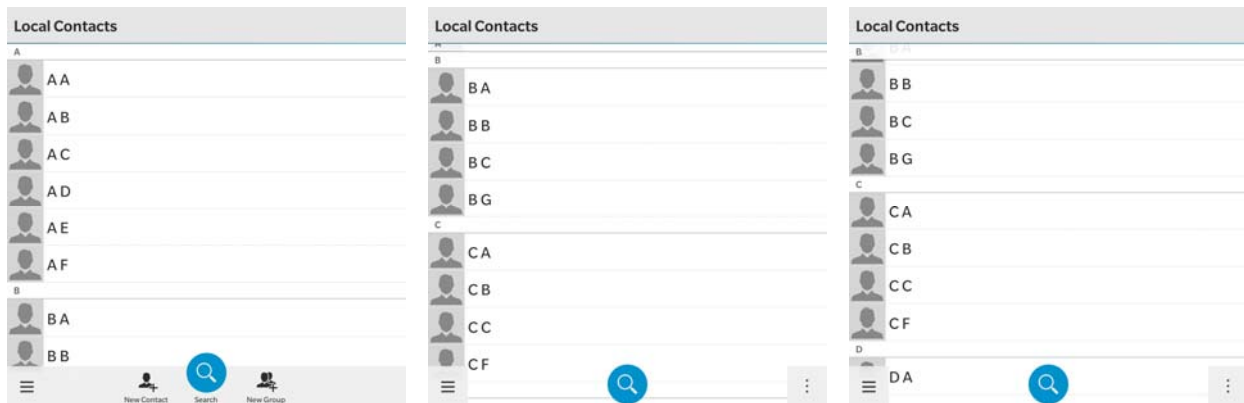

The BlackBerry Passport includes a computer display (e.g., 4.5" Square Touch Display) connected to the memory for displaying the objects (e.g., Contacts), object metadata (e.g., time and date) and object identifiers (e.g., Names) from the storage structure. *See id.*

The BlackBerry Passport includes a computer-user interface for selective display for viewing a portion of the group structure (e.g., BlackBerry Contacts running on BlackBerry 10 OS). *See id.*

The BlackBerry Passport includes an applications program having component architecture code processed by the central processing unit so as, upon scrolling of the structure, to continuously render visible, with dynamic updating, in at least one dynamically-updating sticky path display portion at a margin of said view. In the Contacts application, when a user scrolls through the contacts, the top margin displays the first letter of the entry, as a user scrolls to the next alphabetical section, the top margin dynamically updates to the next alphabetical letter (e.g., A to B).

In the BlackBerry Passport Contacts application, when the scrolling continues past the end of the entries of said new branch, group, or level of said structure to exit it such that the entries of said new branch are no longer visible in said view (e.g., a user scrolls past all contacts grouped in the "a" container) said new identifier of said new branch is removed from said dynamically-updating

sticky path display area (e.g., "a" is removed from the sticky path display area) while any identifiers

of previously-entered branches remain until they in turn are exited (e.g., the "b" group is entered

before the "a" group is exited, and the "b" identifier remains until it is in turn exited).

Thus, Blackberry Passport provides continuous and automatic dynamically-updated display

containing at least one sticky path display area that displays at least one branch identifier of said

structure (e.g., the sticky path portion continuously and automatically updates as the group

identifier, "a" updates to "b"). In summary, when a user reaches the end of a group and the

beginning of another group, the sticky path (highlighted in red and showing an "a" identifier -

below left) is dynamically updated ("b" replaces "a" - below right).

JURY DEMAND

eHierarchy hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, eHierarchy requests that this Court enter judgment against Defendant as

follows:

A.   An adjudication that Defendant has infringed the '932 and '619 patents;

B.   An award of damages to be paid by Defendant adequate to compensate eHierarchy

for Defendant's past infringement of the '932 and '619 patents and any continuing or future

infringement through the date such judgment is entered, including interest, costs, expenses and an

accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C.   A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of

eHierarchy's reasonable attorneys' fees; and

D.   An award to eHierarchy of such further relief at law or in equity as the Court deems

just and proper.

Dated: March 23, 2017   */s/Stafford Davis w/ permission of lead attorney*
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